THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 10250 of 1997

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DATED: 28.03.2006

Between:

Tadikonda Ekonarayana

... PETITIONER

AND

The Vice Chairman,

Vijayawada, Guntur & Tenali

Urban Development Authority,

Vijayawada, Krishna District

& others.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 10250 of 1997

ORDER:-

This writ petition is filed to declare the action of the 1st and 2nd respondents in

interfering with peaceful possession and enjoyment of the petitioner's premises/house bearing No.1-728
(B-14), Ward No.1, Division No.284, A.B., Bapanayyanagar,
II Block, Mangalagiri, Guntur district without following the due process of law, as illegal and arbitrary.

It is the case of the petitioner that he has purchased land to an extent of 145.3 Sq. yards situated in Door No.1-728 (B-14), Ward No.1, Division No.284-A.B., Mangalagiri Municipal Area, Guntur District, vide registered sale deed dated 25.04.1994 for a valid consideration of Rs.11,700/-. He retired as railway gangmen in the month of June 1995 and thereafter he made an application before the 3rd respondent-Municipality for construction of a house. The 3rd respondent has not considered and disposed of the said application within the time, therefore, under the deemed provision, the petitioner constructed a house thereon. Though the 3rd respondent is not taking any action, the 1st respondent is trying to dispossess him. Therefore, he filed the present writ petition and obtained interim direction.

The 1st respondent filed counter and vacate stay petition stating that the land in which the petitioner constructed the house is the land acquired by HUDA vide Award No.1/88 for expansion of the scheme of Vijayawada, Guntur, Tenali Urban Development Authority. It is stated that 4(1) notification was issued by the Collector, Guntur vide proceedings No.2889/80-B1, dated 08.12.1988 and draft declaration under Section 6 of the Land Acquisition Act was also approved vide proceedings No.14715/1980, dated 11.10.1986. 4(1) notification and 6 declarations in daily newspapers Andhra Patrika and Andhra Jyothi dated 02.02.1987 and 03.02.1987 respectively were published apart from publishing in the locality and after following due procedure, Award No.1/88 was also passed. Therefore, it is the case of the 1st respondent that the petitioner has no right, title in respect of the said house.

No material has been placed before this Court with regard to the application filed by the petitioner for grant of permission or for any alleged sanction. Merely because the petitioner constructed the house under the deemed provision, he will not have any

right, title or authority to continue in possession of the said property as the same belongs to the 1st respondent.

In the circumstances, I do not see any merits in the writ petition and the same is dismissed. No order as to costs.

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28.03.2006

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